

REMARKS

Claims 19-22, 26-28, 30, 32-34, 48-49, 52 and 65-68 are now pending in the application. Claims 50, 53, 54, and 59-64 are withdrawn. Claim 68 is new. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 112

Claims 52, 19-22, 26-28, 30, 32-34, 48-49, 55-59 and 65-67 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicants regard as the invention. The Examiner argues that it is unclear whether a “system master” is required by the claimed invention and that this element is only set forth in a functional statement of the claims. Office Action, mailed July 23, 2007, p. 3. With respect to Claims 50, 53, 54, and 59-64, the rejection is rendered moot by withdrawal. With respect to Claims 19-22, 26-28, 30, 32-34, 48-49, 52 and 65-68, the rejection is respectfully traversed.

Under MPEP § 2173.02, “[i]n reviewing a claim for compliance with 35 U.S.C. 112, second paragraph, the examiner must consider the claim as a whole to determine whether the claim appraises one of ordinary skill in the art of its scope and, therefore, serves the notice function required by 35 U.S.C. 112, second paragraph, by providing clear warning to others as to what constitutes infringement of the patent.” Applicants respectfully submit that Claim 52 appraises one of ordinary skill in the art of its scope and serves the notice function of 35 U.S.C. 112, second paragraph.

As written, Claim 52 recites an apparatus comprising a compressor, a memory associated with the compressor, and a control block associated with the compressor. The compressor includes a compression mechanism and a motor driving the compression mechanism. The memory stores an image of compressor data including compressor identification data and compressor configuration data. The control block is operable to transmit a copy of the image to a system master, to receive from the system master at least one of a modified copy of the transmitted image and a new image of compressor data including compressor identification data and compressor configuration data, and to store at least one of the modified copy of the transmitted image and the new image in the memory.

Based on these recited limitations, one of ordinary skill in the art would recognize that an apparatus having a compressor, a memory associated with the compressor, and a control block associated with the compressor, configured according to the limitations of Claim 52, would infringe the Claim. As such, Claim 52 is in compliance with 35 U.S.C. 112, second paragraph. Applicants note that Claims 19-22, 26-28, 30, 32-34, 48-49, and 65-68 either directly or indirectly depend from Claim 52. For the above reasons, these Claims are likewise in compliance with 35 U.S.C. 112, second paragraph.

REJECTION UNDER 35 U.S.C. § 102

Claims 52, 19, 20, 21, 22, 26-28, 30, 32, 33, 48, 55-58 and 65-67 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Centers et al. (U.S. Pat. No. 6,471,485). This rejection is respectfully traversed.

Claim 52 recites an apparatus comprising a compressor, a memory, and a control block. The compressor includes a compression mechanism and a motor driving the compression mechanism. The memory is associated with the compressor and stores an image of compressor data including compressor identification data and compressor configuration data. The control block is associated with the compressor and is operable to transmit a copy of the image to a system master, to receive from the system master at least one of a modified copy of the transmitted image and a new image of compressor data including compressor identification data and compressor configuration data, and to store at least one of the modified copy of the transmitted image and the new image in the memory. Centers et al. fails to teach or suggest the apparatus recited by Claim 52.

The Examiner argues that Centers et al. teaches "the system master is in communication with the electronic control system and is operative to receive and send stored compressor configuration information to and from the control block." Office Action, mailed 7/23/2007, p. 4. Further, the Examiner argues that Centers et al. teaches that "[a]ll of the stored operating parameters of the electronic control system (1004) can be modified by the system master, see col. 15 lines 5-17 which sets forth that the remote controller accesses *all information of the electronic control system*." Office Action, mailed 7/23/2007, p. 4 (emphasis in original).

Noticeably absent from the Examiner's argument under 35 U.S.C. § 102(b) is any mention of the limitations that recite an image of compressor data including compressor identification data and compressor configuration data. Specifically, Applicants respectfully note that the Examiner has failed to identify any disclosure in Centers et al.

of a memory associated with a compressor that stores an image of compressor data including compressor identification data and compressor configuration data or of a control block associated with the compressor and operable to transmit a copy of the image to a system master, to receive from said system master at least one of a modified copy of the transmitted image and a new image of compressor data including compressor identification data and compressor configuration data and to store at least one of the modified copy of the transmitted image and the new image in the memory, as recited by Claim 52. The Examiner has improperly read out of the Claim the recitation of the “image” of compressor data including both compressor identification data and compressor configuration data and ignored the limitations related to transmission of a copy of the image, receipt of a modified copy of the transmitted image or a new image, and storage of the modified copy or new image.

In the “Response to Arguments,” the Examiner states that “Centers does not disclose a control block that transmits a copy of an image of data to a system master and receives either a new image or a modified copy of the data.” Office Action, mailed 7/23/2007, p. 8. Applicants agree with this statement. However, the Examiner goes on to argue that “all of the data is made available to an operator at a remote site.” Office Action, mailed 7/23/2007, p. 8. The Examiner is correct insofar as Centers et al. describes a “remote PC” that “can access all information of electronic control system.” Centers et al., Col. 15, Lines 5-7. It does not follow from this description, however, that a copy of an entire image of “all information of electronic control system” is transmitted from a control block to a system master or that a new image or a modified copy of the image is transmitted from a system master to a control block. In other words, while

Centers et al. describes that all information is “made available,” Centers et al. is silent as to transmission of a copy of an image of compressor data including compressor identification data and compressor configuration data to a system master, as recited by Claim 52.

In Centers et al., modification of compressor operating parameters is described on an individual parameter basis. For example, Centers et al. describes “fine tuning” and “adjusting” individual parameters. Col. 25, Line 58 to Col. 26, Line 12. Centers et al. is silent as to a control block associated with a compressor and operable to transmit a copy of an image of compressor data including compressor identification data and compressor configuration data to a system master, to receive from said system master at least one of a modified copy of the transmitted image and a new image of compressor data including compressor identification data and compressor configuration data and to store at least one of the modified copy of the transmitted image and the new image in the memory, as recited by Claim 52.

For these reasons, Centers et al. fails to teach or suggest each and every element recited by Claim 52. With respect to Claims 19, 20, 21, 22, 26-28, 30, 32, 33, 48, 55-58 and 65-67, Applicants note that each either directly or indirectly depends from Claim 52 which defines over Centers et al. as discussed in detail above. Therefore, Claims 19, 20, 21, 22, 26-28, 30, 32, 33, 48, 55-58 and 65-67 likewise define over Centers et al. Reconsideration and withdrawal of the rejections are respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 34 and 49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Centers et al. (U.S. Pat. No. 6,471,485) in view of Culp III et al. (U.S. Pat. No. 5,975,854). This rejection is respectfully traversed.

Applicants note that Claims 34 and 49 each either directly or indirectly depends from Claim 52 which defines over Centers et al. as discussed in detail above. Therefore, Claims 34 and 49 likewise define over Centers et al. Reconsideration and withdrawal of the rejections are respectfully requested.

NEW CLAIM

Claim 68 recites an apparatus comprising a compressor, a control block, a memory, and a system master. The compressor includes a shell and a compression mechanism disposed within the shell. The control block is associated with the compressor and mounted on the shell. The memory is accessible to the control block and associated with the compressor. The memory stores a first image of compressor data, the first image including compressor application data and compressor control data. The system master is in communication with the control block. The system master sends a request to the control block, receives a copy of the first image from the control block in response to the request, constructs a new image of compressor data, the new image including compressor application data and compressor control data, and sends the new image to the control block. The control block stores the new image in the memory in place of the first image.

Applicants note that "compressor application data" and "compressor control data" were explicitly delineated in the Examiner's Election/Restrictions requirement of 1/25/2007.

Centers et al. fails to teach or suggest the apparatus recited by Claim 68.

CONCLUSION


It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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